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13 *Adrian Romero Jr.*

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16

17 **ADRIAN ROMERO, JR.,**

18 Plaintiff,

19 v.

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21 **CALIFORNIA HIGHWAY PATROL, and**
22 **DOES 1 THROUGH 20, inclusive,**

23 Defendants.

Case No. 2:21-cv-01978-JAM-DB

**STIPULATION FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT**

Action Filed: July 30, 2021

24
25 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD,
26 STIPULATE TO THE FOLLOWING:

27 1. On October 25, 2021, Defendant California Highway Patrol ("CHP") removed this
28 action to Federal Court. ECF No. 1.

1 2. On October 29, 2021, the Parties stipulated, under Local Rule 144(a), to extend
2 CHP's time to respond to Plaintiff's First Amended Complaint by 28 days. ECF No. 6.

3 3. On November 29, 2021, the Parties stipulated to permit Plaintiff to file a Second
4 Amended Complaint, adding new factual allegations and claims arising from Plaintiff's recently-
5 received administrative right-to-sue notices. ECF No. 7. Further, the Parties stipulated that CHP
6 would be required to respond thirty (30) days after the filing of the Second Amended Complaint.

7 4. On December 1, 2021, the Court issued an order deeming the Second Amended
8 Complaint filed as of the date of the order, and ordering CHP to respond to the Second Amended
9 Complaint thirty (30) days after the filing of the Second Amended Complaint. ECF No. 9.

10 5. On December 17, 2021, counsel for CHP and counsel for Plaintiff met and conferred
11 by telephone, during which counsel for CHP notified counsel for Plaintiff of CHP's intent to file a
12 motion to dismiss Plaintiff's Third Cause of Action for retaliation under Title VII, 42 U.S.C. §
13 2000e-3(a), and Fourth Cause of Action for retaliation under Cal. Labor Code § 1102.5.

14 6. On December 21, 2021, counsel for CHP and counsel for Plaintiff again met and
15 conferred by telephone, during which counsel for Plaintiff agreed to amend Plaintiff's Second
16 Amended Complaint to remove Plaintiff's cause of action under Title VII. The Parties will
17 continue to discuss the viability of Plaintiff's cause of action under Labor Code § 1102.5.

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1 7. Accordingly, the Parties request that Plaintiff be granted leave to file a Third
2 Amended Complaint on or before January 18, 2022. The Parties further request that CHP be
3 given thirty (30) days from the date Plaintiff files his Third Amended Complaint, to answer or
4 otherwise respond to the Third Amended Complaint.

5 **IT IS SO STIPULATED.**

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7 Dated: December __, 2021

Respectfully submitted,

8 ROB BONTA
9 Attorney General of California
10 ANDREA R. AUSTIN
11 Supervising Deputy Attorney General

12 DAVID S. KIM
13 Deputy Attorney General
14 Attorneys for Defendant
15 California Highway Patrol

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17 Dated: December __, 2021

Respectfully submitted,

18 DENISE EATON-MAY

19 DENISE EATON-MAY, ESQ.
20 Attorney for Plaintiff
21 Adrian Romero, Jr.

ORDER

After considering the Parties' stipulation, the Court hereby grants Plaintiff Adrian Romero, Jr. leave to file a Third Amended Complaint on or before January 18, 2022. The Court further orders Defendant California Highway Patrol to answer or otherwise respond to the Third Amended Complaint no later than thirty (30) days from the date Plaintiff files his Third Amended Complaint.

IT IS SO ORDERED.

Dated: December 29, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE